

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>S2-4:09CR0509 JCH/TCM</b>
	)	
<b>RANDALL SUTTON, SHARON</b>	)	
<b>NEKOL PROVINCE, JAMES</b>	)	
<b>DOUGLAS CASSITY, BRENT</b>	)	
<b>DOUGLAS CASSITY, HOWARD A.</b>	)	
<b>WITTNER, and DAVID R. WULF,</b>	)	
	)	
<b>Defendants.</b>	)	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

In accordance with the Memorandum filed herein,

**IT IS HEREBY RECOMMENDED** that Defendants' motion to sever Counts 49 and 50 of the second superseding indictment be **DENIED**. [Doc. 258]

**IT IS FURTHER RECOMMENDED** that Defendants' motions to sever counts and defendants each be **DENIED**. [Docs. 262, 271]

The parties are advised that they have **fourteen (14)** days in which to file written objections to this Recommendation and the Memorandum incorporated herein pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained, and that failure to file timely objections may result in waiver of the right to appeal questions of fact.

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/s/Thomas C. Mummert, III

THOMAS C. MUMMERT, III  
UNITED STATES MAGISTRATE JUDGE

Dated this 17th day of January 2012.